

OLC RECORD COPY

OLC 78-3338

20 November 1978

OSC

MEMORANDUM FOR: Acting Legislative Counsel
FROM :
Assistant Legislative Counsel
SUBJECT : "Office of Classified National
Security Information"

1. Action Requested: Paragraph five contains a recommendation for your consideration.

2. Background: Public Law 95-391, Section 105 (attached) establishes, within the Office of the Secretary of the Senate, a new office to be known as the "Office of Classified National Security Information" (OCNSI).

3. The OCNSI, amongst other responsibilities, has "the responsibility for safeguarding such restricted data and such other classified information as any Committee of the Senate may from time to time assign to it." (Sec. 105(a)).

In order to fulfill this safeguarding responsibility Sec. 105(b)(3) grants the OCNSI the authority "to establish and operate a central repository in the United States Capitol for safeguarding of restricted data and other classified information for which such Office is responsible."

4. Analysis: This, in effect, provides for a place in which Congressional Committees, having control over classified information, may store, in a secure manner, the same.

5. It is the opinion of the undersigned, as the OCNSI serves as a mere bailee of the tendered information, having no right or power of further dissemination, destruction or anything other than possessory control, that the same security restrictions applicable to CIA information provided to Congressional Committees such as the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence would pertain to the OCNSI.

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6. Recommendation: As the power of transfer of information to OCNSI lies solely with the tendering Committee (s) of Congress it is recommended that we meet and discuss this matter in consideration of appropriate action relative to the following points:

a. Do the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence intend to make use of said OCNSI facilities?

b. Do we, the Office of Legislative Counsel, wish to take the position that (1) we have no objections to our Committees transferring material or (2) in the alternative do we prefer (insist) that material supplied by CIA remain with the receiving Committee or if no longer required be returned to CIA?

c. If b. (1) were to be the preferred course we should consider ways in which we might receive a commitment that (1) we will be notified in advance of material to be transferred to OCNSI and the reason why it would not be best to simply return the documents to CIA and (2) that we will be granted authority to inspect OCNSI facilities in order to assist and ensure that the facilities meet the security requirements inherent in retention of CIA material by the Congress.

I remain available to discuss this matter with you at your convenience.



ST

Attachment

Distribution

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Provided, That an employee serving as an Assistant in Document Room at not to exceed \$14,678 per annum on the last day of the month in which this Act is enacted and who continues to serve as an Assistant, Document Room, after such last day may be paid compensation at not to exceed \$14,678 per annum so long as such employee continuously serves in such position.

Clerk-hire
allowance of
Georgia Senators.
2 USC 61-1 note.

SEC. 104. (a) Effective April 1, 1978, the clerk-hire allowance of each Senator from the State of Georgia is increased to that allowed Senators from States having a population of five million but less than seven million, the population of said State having exceeded five million inhabitants.

(b) Effective April 1, 1978, the table contained in section 105(d)(1) of the Legislative Branch Appropriation Act, 1968, as amended and modified (2 U.S.C. 61-1(d)(1)), is amended by striking out

"\$644,937 if such population is 7,000,000 but less than 9,000,000;" and inserting in lieu thereof

"\$644,937 if such population is 7,000,000 but less than 8,000,000;

"\$664,627 if such population is 8,000,000 but less than 9,000,000;"

SEC. 105 (a) For the period beginning on October 1, 1978, and ending on December 31, 1980, there is established within the Office of the Secretary of the Senate an office to be known as the "Office of Classified National Security Information" (hereafter in this section referred to as the "Office"). The Office shall be under the policy direction of the Majority Leader, the Minority Leader, and the chairman of the committee on Rules and Administration of the Senate, and shall be under the administrative direction and supervision of the Secretary of the Senate. The Office shall have the responsibility for safeguarding such restricted data and such other classified information as any committee of the Senate may from time to time assign to it.

(b) The Office shall have authority—

(1) upon application of any committee of the Senate, to perform the administrative functions necessary to classify and declassify information relating to the national security considerations of nuclear technology in accordance with guidelines developed for restricted data by the responsible executive agencies;

(2) to provide appropriate facilities for hearings of committees of the Senate at which restricted data or other classified information is to be presented or discussed; and

(3) to establish and operate a central repository in the United States Capitol for the safeguarding of restricted data and other classified information for which such Office is responsible.

(c) All records, documents, and data in the custody of the Office of Classified National Security Information established by section 2 of Senate Resolution Numbered 252, Ninety-fifth Congress, are transferred to the Office established by subsection (a).

(d) As an exercise of the rulemaking power of the Senate, section 2 of Senate Resolution Numbered 252, Ninety-fifth Congress, is repealed effective October 1, 1978.

SEC. 106. Section 117 of the Second Supplemental Appropriations Act, 1976 (2 U.S.C. 61f-1a), is amended by striking out "\$10,000" and inserting in lieu thereof "\$25,000".

SEC. 107. During the fiscal year ending September 30, 1979, amounts required to be deposited in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund under section 8344 of title 5, United States Code, with respect to any officer or employee of the Senate (including an employee in the office of a

Senator) shall be paid from the Treasury of the United States. Effective October 1, 1979, respect to any individual (including an employee in 1979, shall be paid from the individual serves continued Senate.

SEC. 108. (a) Section 504 of the Legislative Branch Appropriation Act, 1973 (2 U.S.C. 58), is amended by striking out through (j) as subsection (i) and inserting after subsection (h) the following:

"(h)(1) For purposes of this section, an employee who is selected by a Senator for official expenses for non-reimbursement or to one or more service employees in the office of the Senator or other body, and shall be paid for expenses and per diem expenses incurred while the Senator is in the District of Columbia, an official expenses incurred of this subsection and subsection (i) of the type for which reimbursement is required under (a)(9) when such expense is incurred and, for accounting purposes, shall be reimbursed (a)(5).

"(2) The amount of official expenses for which reimbursement is required by a Senator for which reimbursement under this section shall not exceed \$5,000 of expenses incurred by the Senator in any calendar year."

(b) The amendment made by subsection (a) shall take effect on January 1, 1978.

SEC. 109. (a) Effective October 1, 1978, and each fiscal year thereafter, the amount available for the payment of salaries and allowances under the heading "SALARIES AND ALLOWANCES OF THE SECRETARY" and "SALARIES AND ALLOWANCES OF THE CLERK OF THE SENATE" shall be available for the payment of salaries and allowances for the Secretary of the Senate, the Clerk of the Senate, and the Sergeant at Arms and Doorkeeper, respectively.

(b) Subject to the provisions of subsection (a), for not to exceed 8 employees and Doorkeeper may authorize the Secretary of the Senate to employ not to exceed 18 employees of his Office for the purpose of effecting the termination or the Sergeant at Arms and Doorkeeper, respectively.

(c) No employee shall be employed for more than one year unless such employee has been employed for at least one year and is being compensated for position so occupied, except in the case of the Secretary of the Senate or the Sergeant at Arms and Doorkeeper, respectively.

Office of
Classified
National Security
Information.
Establishment.
2 USC 72a note.

Transfer of
records.

Repeal.

Travel expenses
of Sergeant of
Arms and
Doorkeeper of
the Senate.